

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

BEN E. KEITH COMPANY,

§

Plaintiff,

§

v.

Case Number 4:22-cv-00868-O

**BOSTON MARKET CORPORATION
AND JIGNESH JAY PANDYA,**

§

Defendants.

§

**MOTION TO WITHDRAW AS ATTORNEYS OF RECORD FOR DEFENDANTS
BOSTON MARKET CORPORATION AND JIGNESH JAY PANDYA AND MOTION
FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Darrell W. Cook, Stephen W. Davis, Ethan M. Herrema, and the law firm of COOK KEITH & DAVIS, A PROFESSIONAL CORPORATION and files this their Motion to Withdraw as Attorneys of Record for Defendants BOSTON MARKET CORPORATION and JIGNESH JAY PANDYA and Motion for Extension of Time to Respond to Plaintiff's Motion for Partial Summary Judgment and in support would show the Court as follows:

I.

**MOTION TO WITHDRAW AS ATTORNEYS OF RECORD FOR DEFENDANTS
BOSTON MARKET CORPORATION AND JIGNESH JAY PANDYA**

1. Darrell W. Cook, Stephen W. Davis, Ethan M. Herrema, and the law firm of COOK KEITH & DAVIS, P.C., attorneys for Defendants BOSTON MARKET CORPORATION and JIGNESH JAY PANDYA request permission to withdraw from representation.

2. This motion is based on good cause in that continued representation of Defendants BOSTON MARKET CORPORATION and JIGNESH JAY PANDYA in this matter will result in undue financial hardship to counsel. The withdrawal is not sought for delay alone.
3. Defendant BOSTON MARKET CORPORATION may be reached through its registered agent, C T Corporation System at 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Additionally, Defendant BOSTON MARKET CORPORATION's mailing address is 14103 Denver West Parkway, Golden, Colorado 80401. Defendant JIGNESH JAY PANDYA may be reached at 14103 Denver West Parkway, Golden, Colorado 80401. A copy of this motion will be delivered to Defendants BOSTON MARKET CORPORATION and JIGNESH JAY PANDYA, and to all counsel of record.
4. Defendants BOSTON MARKET CORPORATION and JIGNESH JAY PANDYA have been notified of the following deadlines in this matter, and have been provided with a copy of the Scheduling Order:

Deadline to Respond to Plaintiff's Motion for Summary Judgment (Dkt. No. 47)	March 30, 2023
Completion of Discovery (¶ 6)	April 14, 2023
Dispositive Motions (¶ 3)	May 15, 2023
Rebuttal Expert Designation (¶ 4 c.)	30 days after disclosure made by other party
Pretrial Disclosures and Objections (¶ 7)	August 2, 2023 Objections due 14 days thereafter
Expert Objections (¶ 4 d.)	August 7, 2023
Pretrial Materials (pretrial order etc.) (¶ 8)	August 17, 2023
Exchange of Exhibits (¶ 9)	August 28, 2023
Pretrial Conference (¶ 11)	To be set if necessary
Trial Date (¶ 1)	September 11, 2023

5. Defendants have also been given notice of their right to object to this withdrawal.

6. WHEREFORE, Darrell W. Cook, Stephen W. Davis, Ethan M. Herrema, and the law firm of COOK KEITH & DAVIS, A PROFESSIONAL CORPORATION, respectfully request that this Court grant this motion permitting it to withdraw from this cause.

II.

MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S PARTIAL MOTION FOR SUMMARY JUDGMENT

7. Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Defendants BOSTON MARKET CORPORATION and JIGNESH JAY PANDYA respectfully request that the Court extend Defendants' deadline to respond to Plaintiff's Motion for Partial Summary Judgment [Dkt. No. 47].
8. Plaintiff filed its Motion for Partial Summary Judgment on March 9, 2023, resulting in a deadline of March 30, 2023 for Defendants to respond.
9. **Current Trial Setting:** This lawsuit has been set for trial on September 11, 2023. See Scheduling Order [Dkt. 8].
10. FEDERAL RULE OF CIVIL PROCEDURE 6(b)(1) allows for such an enlargement of time for good cause, if the request is made before the original time or its extension expires. *See FED. R. CIV. P. 6(b)(1)(A); see also Garcia v. LQ Props., Inc.*, Civil Action No. 3:16-CV-1646-L, 2018 U.S. Dist. LEXIS 1074, at *6 (N.D. Tex. 2018).
11. Plaintiff is aware of the financial hardship continued representation of the Defendants would place on the undersigned counsel. Accordingly, counsel for Plaintiff requested an extension of the deadline to respond to Plaintiff's Motion for Partial Summary Judgment so that the undersigned counsel would not be forced to incur additional attorney's fees in responding to the Partial Motion for Summary Judgment. However, Plaintiff refused to

grant the requested extension of time.

12. Defendants have demonstrated the requisite good cause hereinabove in that Defendants' attorneys of record have moved to withdraw, and responding to Plaintiff's Motion for Partial Summary Judgment will result in increased undue financial hardship to Defendants' counsel. As such, Defendants request that the Court extend Defendants' deadline to respond to Plaintiff's Motion for Partial Summary Judgment to twenty-one (21) days after an Order Granting Darrell W. Cook, Stephen W. Davis, Ethan M. Herrema, and the law firm of COOK KEITH & DAVIS, P.C.'s Motion to Withdraw has been signed to allow Defendants to find new counsel and give said new counsel adequate time to respond to Plaintiff's Motion for Partial Summary Judgment.

III.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Darrell W. Cook, Stephen W. Davis, and Ethan M. Herrema, and the law firm of COOK KEITH & DAVIS, A PROFESSIONAL CORPORATION, respectfully request that this court grant this motion permitting it to withdraw from this cause. Additionally, Defendants BOSTON MARKET CORPORATION and JIGNESH JAY PANDYA respectfully request that the Court extend Defendants' deadline to respond to Plaintiff's Motion for Partial Summary Judgment [Dkt. No. 47] to no less than to twenty-one (21) days after an Order Granting Darrell W. Cook, Stephen W. Davis, Ethan M. Herrema, and the law firm of COOK KEITH & DAVIS, P.C.'s Motion to Withdraw has been signed. Movants further pray for such other and further relief, special or general, legal or equitable, to which they may be shown to be justly entitled to receive.

Respectfully submitted,

COOK KEITH & DAVIS,
A PROFESSIONAL CORPORATION

/s/Darrell W. Cook
DARRELL W. COOK
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ATTORNEYS FOR DEFENDANTS

AGREED:

By: _____, JIGNESH JAY PANDYA, *Defendant*
Authorized Representative of *Defendant*
BOSTON MARKET CORPORATION

CERTIFICATE OF LAST KNOWN MAILING ADDRESS

I hereby certify that the last known mailing address and phone number for Defendants are as follows:

BOSTON MARKET CORPORATION
By and through its registered agent:
C T Corporation System
1999 Bryan Street, Suite 900,
Dallas, Texas 75201

JIGNESH JAY PANDYA
14103 Denver West Parkway
Golden, CO 80401

Certified on the 15th day of March, 2023.

/s/ Ethan M. Herrema

ETHAN M. HERREMA

CERTIFICATE OF SERVICE

This is to certify that on this the 23rd day of March, 2023, I electronically filed the foregoing document with the United States District Court for the Northern District of Texas, using the court's electronic case filing system. The electronic filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented to accept the Notice of Electronic Filing as service of this document by electronic means.

/s/ Stephen W. Davis
STEPHEN W. DAVIS

CERTIFICATE OF CONFERENCE

Counsel for Movant hereby certifies that he contacted counsel for Plaintiff in this matter regarding the merits of this motion and counsel for Plaintiff indicated that he is UNOPPOSED to the withdrawal of counsel, but OPPOSED to the Defendants' Motion for Extension of Time in this matter.

Certified on the 23rd day of March, 2023.

/s/ Stephen W. Davis

STEPHEN W. DAVIS